

APPROVED MAY 7, 2015

The regular meeting of the Douglas County Board of Commissioners was held on April 2, 2015 in the Douglas County Commissioner Meeting Room of the Douglas County Administration Building, 1616-8th Street, Minden, Nevada, beginning at 1:00 p.m.

COMMISSIONERS PRESENT: Doug N. Johnson, Chairman; Nancy McDermid, Vice Chairwoman; Greg Lynn, Commissioner; Barry Penzel, Commissioner and Steve Thaler, Commissioner.

STAFF PRESENT: Sheriff Ron Pierini, DCSO; Jim Nichols, County Manager; Doug Ritchie, Chief Civil Deputy District Attorney; Cynthea Gregory, Deputy District Attorney; Mimi Moss, Community Development Director; Hope Sullivan, Planning Manager; Emery Papp, Senior Planner; Lisa Granahan, Economic Vitality Manager; and Laure Penny, Clerk to the Board.

INVOCATION

The Invocation was led by Pat Cardinal from Carson Valley Sertoma.

PLEDGE OF ALLEGIANCE

Doug Ritchie led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

Cheryl Bricker, Partnership of Community Resources, shared the County Health Rankings for 2015; Douglas County ranks 2nd in health outcomes and ranks 1st in health factors. Their goal is to create new partnerships; to utilize evidence in formed policies and programs that can continue to improve the health and well being of Douglas County.

Jim Nichols, County Manger, announced the Douglas County 911 Emergency Services Department has been recognized by the International Academy of Emergency Dispatch. They have been accredited for their emergency medical dispatch program. We are the 2nd agency in Nevada to achieve this designation. Ron Sagen, Public Safety Dispatch Manager, stated it is quite an accomplishment and a lot of hard work and they will be doing the same thing for Fire and Law Enforcement. He acknowledged Toni Williams and all her hard work.

Jack Van Dien read from a prepared statement about the Commissioners' response to AB 170 and the amount of bonds exceeding \$2 million. He also stated his objections to converting water and sewer revenue bonds to general obligation bonds. Public comment closed.

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APPROVAL OF AGENDA

For possible action. Approval of proposed agenda.

MOTION by Lynn/McDermid to approve the agenda; carried unanimously.

APPROVAL OF PREVIOUS MINUTES

For possible action. Approval of the Board Minutes of March 5, 2015

MOTION by McDermid/Thaler to approve the Minutes; carried unanimously.

DOUGLAS COUNTY AWARD PRESENTATIONS

1. Ceremonial presentation of employee service awards to Brian Hubkey from the Douglas County Sheriff's Office for his 15 years of dedicated service and Dion Etchegoyen with the Assessor's Office for her 15 years of dedicated service.

Chairman Johnson stated Brian Hubkey was unable to attend this employee service award presentation but has been an employee for 15 years with the Sheriff's Office. He then went on to present a 15 year service award to Dion Etchegoyen. Doug Sonnemann, County Assessor, stated he was thrilled to have Ms. Etchegoyen as an employee. The office runs smooth and effortlessly because of her great efforts.

2. Ceremonial presentation of Proclamation 2015P-022, recognizing GE's Bently Nevada for its generous donation of \$50,000 to the Douglas County Community Services Foundation for the Douglas County Community & Senior Center. (Scott Morgan and Renea Louie, Foundation Directors)

Vice Chairman McDermid reads the Proclamation into the record. Chad Cox, GE Bently's, thanked the Commissioners for moving forward on the Community Center and they are glad to support it. Renee Louie, Member of the Foundation Board, commented the Foundation Board works towards meeting the needs of the residents of Douglas County. She stated it was a privilege to work with the people from GE Bently's and appreciated their generosity.

3. Ceremonial presentation of Proclamation 2015P-023, recognizing Heritage Bank of Nevada for their donation of \$2,500 to the Douglas County Community Services Foundation for the Douglas County Community & Senior Center. (Scott Morgan and Renea Louie, Foundation Directors)

Vice Chairman McDermid reads the Proclamation into the record. Brent Holderman, Heritage Bank, thanked the Commissioners for the Proclamation. He stated the Community Center is a magnificent building and Heritage Bank was proud to

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contribute towards it. Renee Louie, Member of the Foundation Board, commented the Community Center now has bleacher because of Heritage Bank.

4. Ceremonial Presentation of Proclamation 2015P-024 proclaiming the month of April 2015 as National Autism Awareness Month in Douglas County. (Melissa Blosser)

Vice Chairman McDermid reads the Proclamation into the record. Melissa Blosser accepted the Proclamation and told her own personal story of her son hoping that by sharing she can help instill faith in other special needs parents and increase the overall awareness of autism. She read a famous quote from Temple Grandin, a professor at Colorado State University and autism advocate: *"I get satisfaction out of seeing stuff that makes real change in the real world. We need a lot more of that and a lot less abstract stuff"*. She encouraged everybody to come out to the fundraiser on April 25, 2015 and support autism.

5. Ceremonial Presentation of Proclamation 2015P-025 proclaiming the month of April 2015 as Child Abuse Prevention Month in Douglas County.

Vice Chairman McDermid reads the Proclamation into the record. Steve Decker, Family Support Council Director, stated they cannot do the work they do in the community without the community's support. He thanked the Commissioners and the entire County for the support. They are having an event on April 16, 2015 at the Family Support Council to learn how to prevent child abuse.

6. Ceremonial Presentation of Proclamation 2015P-026 proclaiming the month of April 2015 as National Sexual Assault Awareness Month in Douglas County.

Vice Chairman McDermid reads the Proclamation into the record. Steve Decker, Family Support Council Director, thanked everybody for the support and commented this is very hard on his staff to support these victims day in and day out. They are amazing people.

CONSENT CALENDAR

Chairman Johnson commented he had received a call from Jerry Vaccaro on Item 7m. Mr. Vaccaro stated he was disgusted with the amount of money the County has spent on Riverwood and we still have an eye sore and a public nuisance on that property.

MOTION by McDermid/Lynn to approve the consent calendar items 7a-7r.

CLERK-TREASURER

7a. For possible action. Discussion to approve the receipt and filing of the Cumulative Voucher Sheets for checks issued for the 03/06/2015 Payables, the

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**03/06/2015 Payroll, the 03/13/2015 Payables, and the 03/16/2015 Payables.
(Terry Lundergreen)**

MOTION to approve;

7b. For possible action. Discussion to approve an Outdoor Festival Permit submitted by the Carson Valley Sertoma Club for the 24th Annual Carson Valley Sertoma Music and Craft Fair, scheduled for April 25 & 26, 2015, from 10 a.m. to 5 p.m., to be held at the Carson Valley Inn, 1627 Highway 395 North, Minden, Nevada. (Kathy Lewis)

MOTION to approve;

7c. For possible action. Discussion to approve an Outdoor Festival Permit submitted by the Town of Genoa for the Annual Genoa Cowboy Festival, scheduled for April 30 to May 3, 2015, from 10 a.m. to 10 p.m., to be held throughout the Town of Genoa, Nevada. (Kathy Lewis)

MOTION to approve;

FINANCE

7d. For possible action. Report on the general ledger cash balances through March 13, 2015, per NRS 251.030. (Katherine Bradshaw)

MOTION to approve;

COMMUNITY DEVELOPMENT

7e. For possible action. Discussion to award a professional services contract to Parson's Transportation Group Inc. for transportation engineering services to update the Douglas County Transportation Master Plan in an amount not to exceed \$256,680 as previously budgeted for FY 2014-15. (Erik Nilssen)

MOTION to approve;

DOUGLAS COUNTY LIQUOR BOARD

7f. For possible action. Discussion to approve the On-Site Unrestricted Retail Liquor License and Non-Restricted Gaming License for G Peg I, LLC, represented by Michael E. Pegram and Amie M. Pegram, dba Sharkey's Casino, contingent upon issuance of the Certificate of Occupancy. Michael E. Pegram and Amie M. Pegram have both signed a Waiver of Notice of Hearing. Sharkey's Casino is located at: 1440 U.S. Hwy 395 N, Gardnerville, NV 89410. (Sgt. Pat Brooks)

MOTION to approve;

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7g. For possible action. Discussion to approve the Intoxicating Liquor Producer License for Chris Bently and Susan Carbiener representing Bently Heritage LLC. Both Mr. Bently and Ms. Carbiener have signed a Waiver of Notice of Hearing. Bently Heritage will be a Distilled Spirits Plant located at 1711 Orbit Way, Minden, Nevada 89423. (Sgt. Pat Brooks)

MOTION to approve;

7h. For possible action. Discussion to approve the addition of Aaron Williams as Chef and Manager, replacing Colin Campbell on the existing On-Site Retail Unrestricted Liquor License for Clear Creek Golf, LLC dba Clear Creek Tahoe. Aaron Williams has signed a Waiver of Notice of Hearing. Clear Creek Tahoe is located at: 199 Old Clear Creek Road, Carson City, Nevada 89705. (Sgt. Pat Brooks)

MOTION to approve;

7i. For possible action. Discussion to approve the On-Site Unrestricted Retail Liquor and Restricted Gaming License for Wink's Silver Strike Lanes represented by owners James & Stacey Winklepleck. The Winklepleck's have retained Golden Gaming as their slot route operator and will operate 15 slot machines. James & Stacey Winklepleck have both signed a Waiver of Notice of Hearing. Wink's Silver Strike Lanes is located at 1281 Kimmerling Road, Suite 8, Gardnerville, Nevada 89460. (Sgt. Pat Brooks)

MOTION to approve;

EAST FORK BOARD OF FIRE COMMISSIONERS

7j. For possible action. Discussion to approve the renewal of a five-year agreement with Alpine County to provide emergency medical services to a geographically specific portion of Alpine County by the East Fork Fire Protection District in exchange for a contracted annual fee and the receiving of payment for transport services from the patient or Alpine County if the patient is unable to pay. (David Fogerson)

MOTION to approve;

7k. For possible action. Discussion on the approval of a donation of radio equipment from Sterling Communications to the East Fork Fire and Paramedic District valued at \$1,650. (Tim Soule)

MOTION to approve;

PUBLIC WORKS

7l. For possible action. Discussion on the adoption of Resolution 2015R-021 establishing rate changes for: 1) Residential collection service rate increases

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ranging from 2.22% to 2.40%, 2) Commercial collection service rate increases ranging from 2.12% to 2.31%, and 3) Transfer station service rate changes ranging from -54.18% to 2.35% as allowed under the franchise agreement with Douglas Disposal, Inc., to become effective May 1, 2015. (Carl Ruschmeyer)

MOTION to adopt;

DISTRICT ATTORNEY

7m. For possible action. Discussion to ratify the filing of a Notice of Dismissal, without prejudice, as to all remaining causes of action in Case No. 10-CV-0328 brought by Douglas County against Riverwood Partners, LLC, including claims pled as to the Riverwood Development Agreement (2007 DA). (Mark Jackson and Mark Bruce)

MOTION to approve;

TECHNOLOGY SERVICES

7n. For possible action. Discussion on the possible renewal of the existing three-year enterprise license agreement (ELA) between Douglas County and Esri for the provision of comprehensive GIS software licensing at an annual cost of \$35,000 as previously approved in the FY 2014-15 budget at a total three-year cost of \$105,000. (Eric Schmidt)

MOTION to approve;

REPORT OF FEES

7o. For possible action. Discussion to approve receipt of Douglas County Clerk's report of fees for the month of February 2015. (Kathy Lewis)

MOTION to approve;

7p. For possible action. Discussion to approve the February 28, 2015, Report of Fees from the Recorder's Office. (Karen Ellison)

MOTION to approve;

7q. For possible action. Discussion to approve the receipt of the DMV Report of Revenue and Transactions for the month of February 2015. (Kathy Lewis)

MOTION to approve;

7r. For possible action. Discussion to approve the receipt of the Tahoe General Services Report of Revenue and Transactions for the month of February 2015. (Kathy Lewis)

MOTION to approve;

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MOTION; carried unanimously.

ADMINISTRATIVE AGENDA

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

Any item(s) pulled from the Consent Calendar will be heard at this time.

EAST FORK BOARD OF FIRE COMMISSIONERS

8. For possible action: Discussion on the adoption of Resolution 2015R-027 which establishes the 2015 East Fork Fire District Incident Reimbursement and Restitution Rate Schedules effective April 3, 2015 through April, 2, 2016. (Dave Fogerson)

Dave Fogerson, Deputy Chief Operations, stated the Resolution before the Board is their annual Resolution to adopt rates to be reimbursed for off district services. The major changes from last year are they added one more fire engine; corrected new position names for office staff and adjusted the salary of the mechanic.

Commissioner Penzel asked if Deputy Chief Fogerson meant to have an hourly rate along with the \$.65 a mile rate. Deputy Chief Fogerson responded he believed that was under the restitution schedule and they don't charge an hourly charge for the apparatus. They charge for the personnel because they only charge hard cost for the restitution so they charge a mileage rate or a pump use rate for restitution.

No public comment.

MOTION by McDermid/Penzel to approve Resolution 2015R-027 which establishes the 2015 East Fork Fire District Incident Reimbursement and Restitution Rate Schedules effective April 3, 2015 through April 2, 2016; carried unanimously.

COUNTY MANAGER

9. For possible action. Discussion on the prioritized list of Countywide Connectivity transportation projects needed to implement components of the Master Plan, Economic Vitality Plan, and the Valley Vision & South Shore Vision Plans. (Dominique & Jacques Etchegohyen)

Dominique Etchegohyen stated at the last presentation the BOCC asked them to come back with a prioritization of projects as well as potential funding sources. The first presentation today is just prioritization.

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Jacques Etchegohyen thanked the other 25 people who are involved in this project. He also acknowledged the County staff and all the work they have done by pointing out what NRS requires.

J. Etchegohyen moved on to discuss the connectivity plan and the criteria for prioritization. He believes we need to move forward in Douglas County. The trails that are being suggested will be utilized by residents and tourist but mostly it's for Douglas County. The Ranchos connectivity path has been discussed and Mr. Etchegohyen received some communication from Bob Spellberg, District Manager for the Gardnerville Ranchos GID, and they absolutely support a trail from the Ranchos to town. He discussed the Hwy. 50/South Shore Revitalization, the U.S. 395/Main Street Revitalization and the Stateline to Stateline Bikeway.

J. Etchegohyen then discussed the criteria they used to prioritize the projects. They went through 20 years of plans and thousands of hours of public input & comments. Things are in various stages; planning, review, rights of way, construction and completion. The private investment is at \$400 million. They believe the County would need a 20% match to implement some of the projects. He asked the Board to accept the prioritization of the projects.

PUBLIC COMMENT

Chris Bently, lives in Tahoe and owns businesses in Valley, he thinks the connectivity plan is fantastic and necessary. He is personally committed to the towns and the County and supports the project.

Liz Lundholm, Planner at NCE, has lived in Douglas County for 8 years. She wanted to provide her support for the connectivity plan and the priorities. As a young professional she can attest that the creative class is attracted to these amenities proposed in the plan. She supports the categories: Need Now, Want Soon and Plan Ahead.

Jack Jacobs is a business owner in Douglas County; he supports the plan and improvements between the Ranchos and Gardnerville along Centerville. He encouraged the Board to support the plan.

Public comment closed.

Chairman Johnson stated it's pretty obvious the Board supports the plan. His top two priorities are the Hwy. 50/South Shore Revitalization and the U.S. 395/Main Street Revitalization.

Commissioner Lynn asked Mr. J. Etchegohyen if the order of the presentation is his order of prioritization. J. Etchegohyen responded yes. Commissioner Lynn

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appreciated the Ranchos connectivity project at the top of the list. Commissioner Lynn thinks this should be the number one project. It is the most easy to achieve.

Commissioner Thaler thanked the Etchegohyens for all their hard work and he agreed with Chairman Johnson on the top two priorities. Commissioner Thaler also agrees with Commissioner Lynn that the Ranchos connectivity project is important.

Vice Chairwoman McDermid commented she hoped that whatever project is prioritized we have the ability to work with others to make it happen. She is in support of the Hwy. 50/South Shore Revitalization and the U.S. 395/Main Street Revitalization. She doesn't want us to miss an opportunity that might come up for any of these projects. She also thanked the Etchegohyens for all their hard work.

Commissioner Penzel stated he'd like to see a lot of things done. We have a system in place that has prioritized these things in the RTC 5 Year Plan. He commented the Ranchos connectivity plan has been grant funded to an extent by NDOT and it will start soon. He would like to see an agreement between South Lake and Nevada that if Douglas County puts money into the project that California will complete their portion. He also believes it's absolutely necessary to have a bypass in the Valley.

MOTION by McDermid/Thaler to accept the list of prioritized Countywide Connectivity transportation projects needed to implement components of the Douglas County Master Plan, Economic Vitality Plan, the Valley Vision and the South Shore Vision Plans; carried unanimously.

10. For possible action. Discussion on potential funding sources for the Countywide Connectivity transportation projects needed to implement components of the Master Plan, Economic Vitality Plan, and Valley Vision & South Shore Vision Plans. (Jacques Etchegohyen & Lisa Granahan)

Jacques Etchegohyen stated we are now talking about funding Countywide Connectivity. Nevada is 53rd behind all other state and territories in obtaining competitive grants and formula funding and that is because of a lack of a local match. Mr. Etchegohyen summarized where the local matching funds would come from.

Lisa Granahan, Economic Vitality Manager, highlighted and summarized the 3 sources that the NRS allows the Board to implement and their uses. The 3 sources are: 1) Infrastructure Sales Tax; 2) Utility Operator Fees; and 3) Gas Tax. She stated that it's been Douglas County residents have asked, how do we know this revenue won't go straight into the General Fund. Ms. Granahan suggested language in the ordinances that would restrict the uses of the funds to the intended purposes designated.

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Mr. Etchegohyen commented this is an opportunity for action. He believes the community is ready to move forward. He asked the Board to direct staff to bring back implementing ordinances to establish funding sources.

Chairman Johnson asked about the Utility Operating Fee and when they did a .50% rate hike for the Community Center. He stated he remembered the estimated amount to be generated for operation and maintenance was around \$600,000 a year. It looks like that's been a regressive tax. Mr. Granahan responded you could not do the whole 2.5% on natural gas. She calculated the 1% on other utilities would bring in around \$600,000 a year.

Commissioner Lynn asked if the \$1.6 million we would eventually generate with the Utility Operator Fee is incremental. Ms. Granahan responded that is correct we would have to get all the way through 2019 before we saw the total amount of money. Commissioner Lynn commented in 2005 the Assembly instituted AB 489 which was the 3% tax cap which froze all tax rates at their current level. Douglas County left \$.28 on the table. Had Douglas County implemented any of that \$.28 we would be completing these projects right now.

Commissioner Penzel wanted to know why 1 source of tax revenue wasn't chosen and implemented for the entire 4.5% instead of trying to raise all 3 tax sources. Mr. Etchegohyen responded they had looked at sources that are legally permissible for the Board to raise and one source didn't come close to funding what they thought the priorities were. There is a sales tax component that could be used but that requires a vote by the public.

Commissioner Thaler commented there are a lot of people investing a lot of money in the community. It's time to do the right thing for the community. He believes it's time for a gas tax to be implemented and thinks people and gas station owners are ready for it. He commented there is some flexibility with the Utility Operator Fee. Commissioner Thales stated the Board needs to make a commitment, take it to the next level and stand by the private sector. The Board needs to say what they mean and mean what they say. He commented draft ordinances need to state specifically where the money will be spent.

Chairman Johnson stated there is an indexing Bill in Legislature right now that if the \$.05 gas tax is not implemented we will lose the ability to have it. However, he does have concerns about some of the residents of Douglas County being able to afford even a small increase in their taxes.

PUBLIC COMMENT

Jack Van Dein stated the plan that has been presented shows leadership. Paying for the plan is another thing. All the money comes from private sources in the end. Real

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leadership is to present a Return on Investment (ROI) that private investors can't resist. He believes we need to get the Federal money fast. He felt the ROI hasn't been presented yet.

Terry Faff commented he likes the plan and thinks we are in need of all the proposed projects. His biggest concern is the BOCC is taking the money they are collecting from taxes to buy bonds. You cannot use the money for anything else if it is bonded. He went on to say if the money is bonded for the connectivity projects then it cannot be used for road maintenance. He believes the Commission needs to find a source for roads.

Nate Leising wanted to know what kind of community the Board was envisioning. He believes the plan is an urban/city plan. Agriculture cannot support city stuff. The taxes that are being discussed are a hit on agriculture. He suggested incorporating the Towns. He stated grant funding comes from our taxes so we are paying at every level.

John Koster, President for Harrah's and Harvey's also a member of the STAR Board. He went on to introduce the other STAR Board members: John Steinbeck, Mike Bradford, Steve Ditchkus, Andrew Strain, and Patrick Rhamey. The STAR Board is in support of the plan and urges the Board to implement the projects.

Carlo Luri is appearing as an economic vitality champion. He has worked for the last 3 years trying to promote trails in the County. If we want to make this a walk-able community we need the support of everybody in Douglas County.

Carl Schnock stated there hasn't been a lot of dissention from the tax payer because the tax payer has not been represented. He commented this project is going to cost more than the community center which was a historic high for this County. He went on to say the County's priorities over the past couple of year have been to fix the roads and take care of county personnel. Those priorities have to be weighed in connection with this project. Is this not another way to evade tax payers input by spreading it around wherever the Board can find funds available? He wants the Board to put this on a ballot and allow the public to decide.

Bee Gorman, CEO with the Tahoe Chamber. She stated this is a time of our economy being in transition and the time is now to use this as an opportunity for action. Other destinations are passing us by. She used Park City, Utah, as an example. Park City decided to be a vibrant city and imposed numerous taxes to become that. It is the kind of infrastructure creative youth are looking for. The County needs to make some difficult decisions. We can't be left behind. Let's get the ball rolling.

Bill Chernock, Carson Valley Chamber of Commerce, stated the Chamber Board has discussed the plan and the funding needed to make the plan happen. They are

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asking the Commissioners to implement all 3 taxes. We need it at the Lake and the traffic in the Valley needs to be resolved. If we take the tax dollar and leverage it into a bond amount we can then match State and Federal funds.

Renee Louie, Business Council of Douglas County; Susan Carbiener, Vice President Bently Enterprises and member of the Business Council; Brent Holderman, Vice President Branch Manager of Heritage Bank and President of the Business Council; and Jeff Mackerel, Supervisor Frontier Communications, commented all the things said today were said back in 2002 at a conference called "Where the Rubber Meets the Road". The community's character is defined by its connectivity. The Business Council urges the Board to take action.

Lloyd Higuera, Gardnerville Town Board, stated after seeing the Etchegoyhens' presentation the Town Board unanimously decided to support moving ahead with the connectivity plan. Projects of interest to the Gardnerville Town Board are the Ranchos path; truck route around Gardnerville & Minden and the Hwy 50 bypass. They are urging the Commissioners to implement the funding strategies including a sale tax increase; the Utility Operator Fee increase and the Gas Tax increase. Now is the time to act. We've identified the right projects so let's do what's right for the citizens of Douglas County. You have the Town of Gardnerville's support.

Bill Solimini, Minden Town Board, stated the Town Board unanimously endorsed the County's connectivity plan, priorities and funding source. It's time for this project.

Rob Anderson, President and Principle Engineer of R.O. Anderson Engineering, stated he is in favor of the project. In 2001 he urged the Commissioners to pass the \$.05 gas tax but it didn't happen. He urges the Board not to make the same mistake.

Todd Poth, Douglas County business owner and resident of Douglas County, stated ditto to everybody that spoke in favor of the project. You have \$400 million of investment coming into this area he thinks that is a pretty good example of the private sector having confidence in what's going on. He commented we are behind the game. Look at our neighboring cities. He asks the Board to direct staff to implement whatever is necessary to make this happen.

Patrick Atherton, Chairman of the Government Affairs Committee for Tahoe Chamber.org, stated ditto to Bee Gorman's comments. He also commented change in life is inevitable so please look to the future and support the connectivity plan.

Karen Craig, Consultant, stated she has fallen in love with Douglas County. She has read every Douglas County plan and every plan has had public tax payer input. This plan came from the volunteers and staff looking at the priorities of all the other plans and giving some focus to moving them forward. She urges the Board to support the project.

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Mike Bradford, Linda Mae Hivert and Debra Lang, Economic Vitality Champions, they were there to support the countywide connectivity plan. They urged the Board to move forward with the project.

Carl Hasty, District Manager for the Tahoe Transportation District, stated the time for waiting for the State or the Federal Government to deliver transportation for communities is over. There is no 100% funding anymore. Mr. Hasty commented they are bringing the environmental document forward for the Hwy 50 project the end of this year. That puts them in the position to get the money to do the project. They are also working with Douglas County staff on an application for Federal Lands Access Program Funds for the Hwy 50 project. They are utilizing the offer of the match through the donation by Edgewood Companies. If they did not have that they would not be able to make the application. He urges the Board to support staff's recommendations.

Public comment closed.

Vice Chairwoman McDermid stated at the TRPA Governing Board meeting they approved the Epic Discovery summer program. The Nevada Secretary of State, who is a member of the Governing Board, commented she had never seen a community so engaged and encouraging of a project. Vice Chairwoman McDermid commented that many of the people that spoke in favor of the connectivity plan also spoke in favor of Heavenly's program. She went on to say the Valley and South Shore Vision Plans were put together with private sector money. She commented the private sector has stepped up. She wanted to reassure the agricultural community that agriculture is an important component of the quality of life we have had in Douglas County since we started. She stated the Genoa and Clear Creek Trails do get used. People come here in order to appreciate what we have. Vice Chairwoman McDermid stated it's her goal as a Commissioner to see that everything they do is in the best interest of the vast majority of people that live in Douglas County. She commented it's important to recognize that multi-generations need to be in a community in order for it to continue. We have great business partners who have done their part and now they are asking that we band together as a community and we do our part. She would like to propose to direct staff to bring back implementing ordinances to establish funding sources for Countywide Connectivity Transportation Projects needed to implement priorities Master Plan, Economic Vitality Plan and Valley Vision Plan and South Shore Vision Plans with the caveat that the County Manager evaluates any and all additional funding sources so that we can do this. It's important to recognize we aren't going to do this project and not road maintenance. We have to look at everything. Doesn't mean it will happen right away but we have to take the first step or we will never get there.

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Chairman Johnson wanted to know if the Board was in favor of trying to do something today or bring this back once additional funding sources had been located.

Commissioner Thaler believes they have 3 good funding sources before them but maybe give direction to the County Manager to bring back other funding sources at a later date. He thinks they should make a decision today. He wanted to mention that he doesn't see this project as urbanizing Douglas County.

Commissioner Penzel stated he'd like to further explore funding sources. He believes there are alternatives that are as good or better. We have sources within the current budget we could shift. He is concerned about the everyday citizen and how they will afford a tax rate increase. He thinks we should do this in a measured and sensible manner. He supports the proposal Vice Chairwoman McDermid made.

Commissioner Lynn commented of all the revenue streams we have discussed the most impactful is the Utility Operator Fee. The least impactful is the Gas Tax and he believes it should be implemented. He suggested directing staff to bring forth a Gas Tax ordinance.

Vice Chairwoman McDermid asked Doug Ritchie, Chief Civil Deputy District Attorney, if they are able to separate out each funding source for individual motions. Mr. Ritchie responded motions can be separate.

Chairman Johnson commented the Board has very few taxes they can implement in a quick manner. He does have concerns implementing all the funding sources at one time for one item. He stated he liked Vice Chairwoman McDermid's proposal but didn't want to bring everything back again to maybe end up voting against a funding source.

Vice Chairwoman McDermid responded the intent of the proposal was to bring back implementing ordinances to establish funding sources but to look at all additional funding sources. And then Board would decide which ones to use.

MOTION by McDermid to direct staff to bring back an implementing ordinance to establish the \$.05 Gas Tax and for the County Manager to look at all funding sources including additional funding sources for the Countywide Connectivity Transportation Projects needed to implement components of the Master Plan, Economic Vitality Plan and Valley Vision and South Shore Vision Plans. *(This motion was super seceded)*

Chairman Johnson stated that sounded like a good motion because if we don't use the Gas Tax we are going to lose it.

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Commissioner Penzel commented holding back some of the taxable revenue the Board sets is important because nobody knows what the future holds. He believes the Gas Tax is a declining tax because we are making more fuel efficient vehicles and we don't know if the Bill before the Senate is going to pass. He wanted to know how we work the other taxes into this to make the amount we need. He asked if we do just a portion today are we not defeating our purpose of coming back with a total support package.

Vice Chairwoman McDermid responded no because the way she envisions it is they would get an ordinance implementing the Gas Tax and there would be other implementing ordinances based on different funding sources that the County Manager evaluates and brings back.

Chairman Johnson stated the top two priorities have to do with roads so implementing the Gas Tax would be a good move. Gas Station owners are no long opposed to it. He doesn't want to leave tonight without having something in action. He's does not necessarily agree with the other two funding sources.

Vice Chairwoman McDermid stated just because we have an ordinance brought before the Board for implementing the Gas Tax does not mean that a Commissioner has to vote for it.

Chairman Johnson stated he was trying to show some respect to the people who have worked on this project for the last 2 or 3 years and thought they had brought back the 3 best funding sources that would work for the Board.

Commissioner Penzel commented we are in this position because this was brought forward right in the middle of our budget process. He feels it should have been brought forward during the next year's budget.

Vice Chairwoman McDermid stated the one thing that has a direct connection to the transportation projects is the Gas Tax. Doesn't believe the Gas Tax can be used for other types of projects.

Doug Ritchie stated if the Board directs the staff to bring back an ordinance then that ordinance would come back for a first reading and would require a second reading. Any ordinances implemented would need to come back for a first reading.

Vice Chairwoman McDermid commented as far as the budget cycle is concerned she does not see any of the funding sources going in before July 2015 which we would already have an adopted budget so it will have no impact on the current budget. She believes the true nexus for any of these transportation projects is a Gas Tax.

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Commissioner Lynn stated if we do not implement the Gas Tax then we will not be taken seriously at the State level when we start to move forward on these projects.

James Nichols, County Manager, suggested the Board stay with Vice Chairwoman McDermid's initial proposal. That leaves all 3 tax funding sources on the table and directs him to look at other funding sources. For optimal flexibility and trying to achieve what they want that initial proposal should work.

Commissioner Thaler commented staff could come back in a month with 3 ordinances; Board will vote on ordinances individually. The Board is letting the public know here are the ordinances and here is how they read. The ordinance will let everybody know where the money is going to be spent.

Chairman Johnson would like to make a decision one way or the other on all 3 funding sources tonight. He believes that way the Board will be letting the public know in advance what will be coming back in an ordinance and what won't.

Vice Chairwoman McDermid stated Commissioner Thaler made a good point. They will be seeing the 3 funding sources coming back in ordinances. Her point is there may be other funding sources out there and she'd like the County Manager to evaluate and bring back any he thinks are viable. Then the Board can review all the implementing ordinances and make a decision on the ones most appropriate.

Commissioner Thaler stated he is for the Sales Tax. He believes if we can lose the Gas Tax there is a possibility we could lose the Sales Tax. Commissioner Thaler went on to say we need to send a message to the public that this is the direction we are taking and if there are people out there this will impact they need to let the Board know.

Commissioner Penzel stated he supports what Vice Chairwoman McDermid initially proposed. He isn't convinced these 3 funding sources are the best sources. He also doesn't believe waiting another 30 days will be injurious to the process.

Vice Chairwoman McDermid stated she agrees with what's been presented but she wants to make sure there isn't anything else out there.

MOTION by McDermid/Lynn to direct staff to bring back implementing ordinances to establish funding sources for the Countywide Connectivity Transportation Projects needed to implement components of the Master Plan, Economic Vitality Plan and Valley Vision and South Shore Vision Plans with the caveat that the County Manager evaluate any and all additional funding sources; carried unanimously.

Chairman Johnson put on the record he is voting for the Gas Tax at the next meeting.

COMMUNITY DEVELOPMENT

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11. For possible action. Discussion on the introduction of Ordinance 2015-1434 (ref. DA 15-012) amending Douglas County Code Title 18: Appendix C, pursuant to Section 18.06.020 and amending the Gardnerville Town Boundary by annexing three separate areas, totaling approximately 2.632 acres within the Minden/Gardnerville Community Plan, as requested by the Town of Gardnerville. The request includes all of APN 1220-10-501-002, and a portion of APN 1220-10-501-004, located at the northeasterly terminus of Virginia Ranch Road, and a portion of the public right of way on Muller Parkway, approximately 420 feet east of Virginia Ranch Road. The subject properties are located in the CF (Community Facilities), A-19 (Agricultural, 19 acre minimum parcel size) zoning districts, and public right of way (1st reading) (Emery Papp)

Emery Papp, Senior Planner, stated the proposed annexation would incorporate approximately 2.6 acres on 3 parcels in the Town of Gardnerville. The parcels are owned by the Gardnerville Water Company and located in the Minden/Gardnerville Community Plan and the Urban Service Area designated in the County's Master Plan. There are no proposed changes to zoning, the Master Plan or increases in the level of service. Mr. Papp went on to explain the annexation process. The purpose of the annexation is to clarify where the boundary of Virginia Ranch Road is for maintenance by the Town of Gardnerville. Staff recommends the Board introduce Ordinance 2015-1434 based on findings and conclusions in the staff report and the recommendations made by the Gardnerville Town Board.

No public comment.

MOTION by McDermid/Lynn to introduce Ordinance 2015-1434 (ref. DA 15-012) requested by the Town of Gardnerville annexing 2.632 acres into the Town of Gardnerville; carried unanimously.

12. For possible action. Discussion on Land Division Application (LDA) 15-004, for Rudy Staedler, Staedler & Scott Holdings, LLC, for a Tentative Subdivision Map to create a commercial subdivision at the existing Indian Hills Plaza so as to yield four building lots and one common area lot. The subject property is located at 931 - 939 Mica Drive, within the NC (Neighborhood Commercial) zoning district and within the Indian Hills/Jacks Valley Area Plan (APN: 1420-07-601-002). (Hope Sullivan)

Hope Sullivan, Planning Manager, stated the subject property is already improved. It consists of 4 or 5 buildings (two buildings are connected). The applicant is trying to subdivide the buildings into lots so each tenant will have the opportunity to own their own building. The mechanism to do that is a Commercial Subdivision which means they need a tentative map. To have a tentative map the Board needs to make 8 findings in the affirmative. The staff report affirms all 8 findings. If this tentative map is approved it does not change the development potential it simply changes the

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ownership from rental to ownership potential. Planning Commission made the required findings and recommended approval subject to the conditions outlined in the staff report. Ms. Sullivan suggested the Board follow the recommendation of the Planning Commission and approve the tentative map subject to the recommended conditions. She stated Jeff Sharp, Project Engineer from RCI, is present and does agree with staff recommendations.

No public comment.

MOTION by Lynn/McDermid to approve the Land Division Application 15-004 based on the Applicant's ability to make the required Findings as outlined in the staff report subject to the recommended conditions identified in the staff report; carried unanimously.

13. For possible action. Discussion on Planned Development Modification Application (PD) 04-009-3, for Lagunak, Inc., to modify the Cedar Creek Planned Development (ref. PD 04-009) per the following requests: (1) to convert the clubhouse into a single family residential dwelling; (2) to amend the Cedar Creek Final Subdivision Map to delete or modify note #3 (declaring that there are no existing wells, septic, or structures on a parcel), note #4 (declaring all access is from a shared access easement), and note #8 (declaring internal roads are private); and (3) to modify the following November 4, 2005 conditions of approval: Condition #3 (requiring certain CC&R restrictions), Condition #8.b. (identifying maintenance responsibilities for Edna ditch), Condition #12 (requiring the transfer of development rights), Condition #17.g. (requiring a note on the final map that all roads must be private), and Condition #25 (identifying maintenance responsibilities for drainage facilities, perimeter wall, and landscaping). The subject properties are located along Dresslerville Road and north of Arrowhead Drive within the Cedar Creek Subdivision in the SFR 8,000/PD (Single Family Residential, 8,000 square foot net minimum parcel size) zoning district with a Planned Development Overlay within the Gardnerville Ranchos Community Plan (Multiple APNs). (Hope Sullivan)

Hope Sullivan, Planning Manager, stated the request can be broken down into 3 items. The applicant is seeking 1) to convert an existing clubhouse into a single family home; 2) to modify the notes in the original conditions of approval to allow a public entity to maintain subdivision infrastructure and alleviate private subdivision responsibilities; and 3) the Board's approval to have the development rights returned from the clubhouse. Ms. Sullivan explained there is an HOA and the HOA would like to dissolve but to dissolve they need to find a different entity to take on the maintenance in perpetuity. Ms. Sullivan provided a project description; vicinity map and site plan map. She explained the HOA is currently responsible for the Edna ditch maintenance and will continue to be the HOA's responsibility unless another entity takes it over in perpetuity. The Gardnerville Ranchos GID (GRID) reviewed the request and recommended approval of converting the clubhouse into a single family

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home and directed its staff to work on amending the annexation agreement so GRID could take on maintenance of the roads and drainage improvements.

Ms. Sullivan summarized the staff's recommendations. They are supportive in converting the clubhouse provided there is a deed restriction so there is a disclosure document allowing a future owner to understand it does need to comply with building codes; parking requirements and lot lines need to be modified. Staff does not support crediting the development rights because they were used when the clubhouse was built. On terms of modification of the notes and conditions regarding ownership and maintenance responsibilities staff is supportive subject to another entity being identified who will accept the responsibility in perpetuity.

Ms. Sullivan explained the Planning Commission did review this request and they recommended approval based on the ability to make the required Findings as identified in the staff report and subject to the conditions recommended by staff with one additional condition that they wanted to appear as #1. It would state: *to the extent a modification is intended to reassign maintenance responsibility from the HOA to another entity the modifications are permitted only upon the applicant demonstrating that another entity is willing to accept the maintenance in perpetuity.* There is no recipient of these obligations at this time and everything is still to be determined.

Commissioner Lynn asked what will happen with the maintenance for the Edna ditch. Ms. Sullivan responded nobody has accepted responsibility for maintenance of the ditch so right now it will remain with the HOA.

Vice Chairwoman McDermid asked what other obligations besides the Edna ditch does the HOA have at this time. Ms. Sullivan responded internal roads and drainage facilities which will most likely go to GRID; landscaping is the next item on the agenda and as to the irrigation facility and the perimeter wall if the County was to accept the land of those 3 common properties then they would be accepting responsibility of the ditch and the perimeter wall. Cynthia Gregory, Deputy District Attorney, responded under the code if a piped ditch is on private property then the owner is responsible. If the Landscape Maintenance Assessment District (LMAD) is established it can be for the landscaping, perimeter wall, lightning, etc. but it does not allow for maintenance of a piped irrigation ditch. If LMAD is formed the applicant will ask the County to take ownership.

Commissioner Penzel wanted to know if the HOA was comprised of actual homeowners or the applicant. Ms. Sullivan responded the applicant, Jesus Rey, owns a majority of the lots right now. Commissioner Penzel asked if the HOA was disbanded then there would be nobody to handle maintenance. Ms. Sullivan explained she believed the applicant wanted to remove all obligations from the HOA and once they were removed he would then dissolve the HOA.

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Chairman Johnson stated it was his understanding if an HOA is responsible for maintenance on anything they cannot disband. Ms. Gregory responded as long as the HOA has some sort of maintenance obligation or ownership of common elements it has to be maintained.

No public comment.

Keith Ruben, R.O. Anderson, explained after Mr. Rey obtained the lots through foreclosure Mr. Rey has not assessed any HOA fees. The prior owner had paid all costs up until then. He stated the property owners understood that if a Landscape Maintenance Assessment District was formed then they would be paying for that through their property taxes. He stated for this agenda item they were requesting modification that would allow GRID to take over roads and drainage facilities and allow the clubhouse to be sold as a single family residence.

MOTION by McDermid/Lynn to approve the Planned Development modification PD 04-009-03 except for the modification of Condition 12 (request for a return of development rights used in the construction of the clubhouse) for Lagunak, Inc. based on the ability to make the required Findings as identified in the staff report and subject to the Planning Commissions' recommended conditions; carried unanimously.

14. For possible action. Discussion on the creation of Landscape Maintenance Assessment District (LMAD) LMD 14-001 for Lagunak, Inc. to designate three lots (31,103 square feet in area) and a wall along Dresslerville Road at the entrance to the Cedar Creek Subdivision as a Landscape Maintenance Assessment District (APN's 1220-09-710-001, 1220-09-710-039, and 1220-09-710-033). (Hope Sullivan)

Hope Sullivan, Planning Manager, provided a Site Plan map showing where the Landscape Maintenance Assessment District (LMAD) would be. She referred to the Statement of Purpose in Chapter 20.470.010 regarding why we have LMADs. She believes the perimeter wall and landscaping is a benefit to the residents on the other side of the wall opposed to a public benefit. She has also spoken with the Parks Department and they are concerned they do not have the manpower or money to take on any more landscape maintenance. Staffs' recommendation for denial is primarily the lack of capacity with existing staff to take on a small, isolated area and the lack of a public benefit. The applicant did go to GRID and asked if a LMAD was formed would GRID be willing to maintain it. GRID voted no.

Ms. Sullivan informed the Board the applicant disagreed with her interpretation of the code and believed the requirement for public benefit is specific to trails, parks and open space and is not specific to perimeter landscaping. Cynthia Gregory, Deputy District Attorney, explained there is some ambiguity within the Douglas

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County Code and that's in part to some ambiguity in the NRS. She believed if the Board wanted to take on the responsibility they could. She thought the issue of whether or not there is a substantial public benefit is not dispositive.

Keith Ruben, R.O. Anderson, stated they had spoken with the homeowners and told them they would make an honest effort to come to the County for a LMAD. He commented State law allows the County to come up with its own Findings to implement an LMAD. He believed Finding F allows the Board to do whatever they want. He also stated the LMAD would self fund.

Chairman Johnson commented the Board needs to decide if there is a public benefit or not.

Commissioner Lynn stated the County has in place a provision for a LMAD so we cannot say yes we can form these and then tell people no because we can't staff it. He believed the HOA would be able to perform the maintenance cheaper than the County. He also believed the benefit was to the homeowner and not the public.

Commissioner Thaler agreed with Commissioner Lynn. He then asked what the difference was between Monterra and this subdivision. Mimi Moss, Community Development Director, responded there was a public benefit found with Monterra. One of the components of the common areas in Monterra is there is a sidewalk and a trail. On the other side of the drainage area you don't have a perimeter wall and the subdivision is adjacent to the County right of way. And that was the key; the County was already maintaining some land on Heybourne and Buckeye Roads.

Vice Chairwoman McDermid commented she was on the Planning Commission when this subdivision came forward. She stated the wall was built for the benefit of the homeowners and doesn't believe that aspect has changed. Her concern was it was never designed to be maintained by the County.

No public comment.

MOTION by Lynn/McDermid to deny the creation of the requested LMAD for Lagunak, Inc. based on the inability to make the required Findings identified in section 20.470.050 of the Douglas County Code specifically Finding B regarding the County's ability to perform the maintenance and Finding F regarding the lack of public benefit; carried unanimously.

15. For possible action. Discussion on the introduction of Ordinance 2015-1433 (ref. DA 15-009), a Zoning Text Amendment, initiated by the Community Development Department (1) to amend the Douglas County Development Code, Section 20.658.020 *Permitted, development permitted, and special use permit* (Table) to create the use *Renewable Energy Generation* and allow this use

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subject to a Special Use Permit in the PF (Public Facilities) zoning district, and to add Footnote 9 in reference to Above Ground Utility projects located within a Douglas County adopted Utility Corridor to require design review; (2) to amend Section 20.660.130 *Utility and Public Service Uses* adding *Renewable Energy Generation* use; and (3) to amend Appendix A to include a definition of Aboveground Utility Projects, as required by NRS 278.26503. (1st reading) (Hope Sullivan)

Hope Sullivan, Planning Manager, stated they had discussed this last month and the Board made some suggested changes which she will review. She summarized the purpose of the code change. She stated the County already had a permitting process for wind energy and photovoltaic solar energy. The County does not have a process for Bio Mass, Geothermal Fuel Cells and Water Power Facilities. Ms. Sullivan reviewed the proposed ordinance.

PUBLIC COMMENT

Barbara Smallwood asked if there was another page to the chart on pg 15/5 with the staffs' report. Ms. Sullivan responded the reference in there was to let everybody know there are no changes proposed.

Public comment closed.

MOTION by Lynn/Penzel to introduce Ordinance 2015-1433; carried unanimously.

COUNTY MANAGER

16. For possible action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Douglas County, as may be deemed by the Board of County Commissioners.

Commissioner Lynn commented one issue came up with the Subconservancy. There was a Bill requesting the Conservation Districts put on the ballot a \$25 per parcel tax for weed control. They are not taking a position on it.

Commissioner Penzel stated AB 320 called for making all the County offices non-partisan. He didn't know if the Board wanted to take a position or not. He also mentioned SB 252. It is intended to allow Southwest Gas to come up with incentives which would be administered by the Public Utilities Commission (PUC) to run gas lines in the rural areas. It does not impact the County financially at this time. Jim Nichols, County Manager, responded he submitted a request to Steve Walker who looked into the bill. Mr. Walker didn't think the County needed to take a position on the Bill. Commissioner Lynn wanted to know what kind of incentives? How would

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they affect people's rates? Commissioner Penzel responded it does not have a quantified incentive because it is being established by the PUC.

Commissioner Thaler mentioned a Bill he had heard about that would allow the State to reach into the County's drug forfeiture money and give that money to the State instead of the County and he thought the Board might want to watch this Bill. He also commented that on Monday the new Republican budget was unveiled and he's heard it's not good for the Counties because it pushes things back on the Counties.

Commissioner Penzel mentioned there were also the Governor's budget; Democrats' Alternative budget and the Republicans' Alternative budget. He thinks the County Manager should matrix all 3 to see what affects there will be on the Counties.

Chairman Johnson commented the Gas Tax Bill - AB 191 - was just being heard but he doesn't know the results. The Functional Home Rule Bill is being turned into the NACo Home Rule Bill. They are trying to get it out of committee into assembly.

17. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no discussion or action taken on these reports/updates.

Vice Chairwoman McDermid commented Heavenly Epic Discovery was approved by TRPA. Most of it is in Douglas County.

CLOSING PUBLIC COMMENT (No Action)

Barbara Smallwood commented she is still trying to figure out the cost allocation on her tax bill. She feels she is double taxed and doesn't feel its right she is tax allocated because she wants a higher level of service.

Public comment closed.

MOTION by Lynn/Thaler to adjourn the meeting; carried unanimously.

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There being no further business to come before the Board, the meeting adjourned at 5:34 p.m.

Respectfully submitted:

Doug N. Johnson, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer